

REMARKS

In the Office Action, dated May 2, 2003, the Examiner rejected claims 3-5, 7, 8, 10-13, 15, 16, 21-25 and 27-31 under 35 U.S.C. §102(e) as allegedly being anticipated by WO 99/13169 (hereinafter "SJODIN"). The Examiner further rejected claims 17, 18 and 26 under 35 U.S.C. §103(a) as allegedly being unpatentable over SJODIN in view of U.S. Patent No. 6,052,683 (hereinafter "IRWIN").

In regards to the rejection of claims 3-5, 7, 8, 10-13, 15, 16, 21-25 and 27-31 under 35 U.S.C. §102(e) and claims 17, 18 and 26 under 35 U.S.C. §103(a), Applicant respectfully submits that the primary reference used in both rejections, SJODIN, is not "prior art" with respect to the present application. SJODIN is available as "prior art" as of its international publication date, which is March 18, 1999. The present application has a non-provisional filing date of January 25, 1999, which is prior to the international publication date. Applicant additionally respectfully notes that the present application claims priority from U.S. provisional application number 60/090,028 that was filed June 19, 1998, again prior to the international publication date of SJODIN. Therefore, Applicant respectfully submits that SJODIN is not available as "prior art" for rejecting the present claims. Since SJODIN is not available as "prior art," Applicant respectfully requests withdrawal of the rejections under both 35 U.S.C. §102(e) and 35 U.S.C. §103(a).

In view of the foregoing amendments and remarks, Applicants respectfully request the Examiner's reconsideration of this application, and the timely allowance of the pending claims. To the extent necessary, a petition for an extension of time under 37 CFR § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,



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